

## REMARKS

Claims 1-12, 23-31 and 36-47 are pending in the application. Claims 36 and 38 have been amended solely to address typographical errors. No new matter has been added.

The applicants acknowledge that the rejection of claims 1-12, 28-31 and 38-41 under 35 U.S.C. 102(b) as anticipated by U.S. Pat. No. 5,454,729 (Wen-Te) from the prior office action has been withdrawn.

## ARGUMENTS

Claims 1-12, 28-31, 38-44, and 46-47 are rejected under 35 U.S.C. §103(a) as obvious based on U.S. Pat. No. 5,454,729 (Wen-Te). Claim 1 recites a receptacle having at least one opening for receiving a blade of a compatible plug and an electrical contact located for contact with one of the blades of the compatible plug. Claim 1 also recites a mating formation pair including a receptacle formation and a corresponding plug formation. The receptacle formation is dimensioned to contact a general-use plug to prevent a blade of the general-use plug from contacting the electrical contact of the receptacle thereby preventing the general-use plug from establishing an electrical connection with the receptacle. The compatible plug defining the plug formation, however, is permitted to establish an electrical connection.

Wen-Te discloses plug and socket assemblies suited for interconnecting strands of Christmas tree lights. (See col. 1, lines 21-45; and col. 3, lines 41-46). The assemblies include retaining means to maintain connection between the plug and socket. The retaining means shown in Figure 3 includes a pin (30) carried by the socket (20) and received by a hole (31) in the plug (10).

The Examiner acknowledges that Wen-Te does not disclose a receptacle formation adapted for "contact with a general-use plug [] lacking the plug formation to prevent a blade of the general-use plug from contacting an electrical contact of the receptacle thereby preventing the general-sue [sic] plug from establishing an electrical connection with the receptacle." (Page 3 of the office action at lines 6-10). The Examiner, however, asserts that it would have been obvious to modify Wen-Te "to have the receptacle formation with a length

[that] is long[] enough to prevent[] the general-sue [sic] plug from establishing an electrical connection with the receptacle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.” (Page 3 of office action at lines 11-16 citing to *In re Aller*, 105 USPQ 233).

The Examiner’s citing of *In re Aller* is improper and does not support the Examiner’s position that it would have been obvious to modify Wen-Te to change the length of the pin (30) (i.e., the purportedly comparable “receptacle formation”) as proposed by the Examiner. *In re Aller* is not applicable to the present rejection. Firstly, there is no teaching in Wen-Te of any preferred length, or range of lengths, for the pin (30). In fact, there is no reference to the length of the pin anywhere in Wen-Te. Secondly, Wen-Te does not disclose the “general conditions” of the claimed invention as erroneously asserted by the Examiner. There is no disclosure or suggestion in Wen-Te that the socket assembly of Wen-Te be modified to **prevent an electrical connection**. In fact, Wen-Te teaches away from such a modification by teaching that the pin (30) of socket (20) is part of a **retaining means** that functions “to **prevent [a] plug from being removed accidentally**” from a socket. (Col. 2, lines 19-22, emphasis added).

The Examiner’s attempt to characterize the proposed change to the length of the Wen-Te pin (30) as an obvious discovery of an “optimum or workable range” is, therefore, improper.

The modification of the Wen-Te assembly in the claimed manner is only achieved through impermissible hindsight use of the Applicants’ disclosure. See *In re Kotzab*, 55 USPQ2d 1313 (Fed. Cir. 2000) in which the court held that the record lacked evidence to modify the prior art reference relied upon in the claimed manner. In requiring such evidence, the court stated that a focus only on the prior art is “especially important in cases where the very ease with which the invention can be understood may prompt one ‘to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher.’” *Id.* at 1316, quoting *W.L. Gore & Assocs., Inc. v. Garlock, Inc.*, 220 USPQ 303, 313 (Fed. Cir. 1983).

The rejection based on Wen-Te is improper as failing to establish a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, the Examiner must provide **objective evidence** from the prior art of the motivation or suggestion to modify a prior art reference in the claimed manner. See *In re Kotzab*, supra at 1317 in which the court stated that “[b]road conclusory statements standing alone are not ‘evidence.’” *Id.* at 1317.

For the foregoing reasons, claim 1 is not rendered obvious from Wen-Te. Each of claims 2-12 and 41-42 depends from claim 1 and, therefore is not obvious based on Wen-Te for the same reasons as claim 1.

Claim 28 recites a receptacle comprising an electrical contact to deliver current to a corresponding electrical contact of a compatible plug. The receptacle also comprises a projection extending to a height from the receptacle that is greater than the length of an overlapping contact that results between a contact of the compatible plug and the contact of the receptacle following full insertion of the compatible plug.

For similar reasons as claim 1 above, the rejection of claim 28 as obvious from Wen-Te is improper for failure to establish a *prima facie* case of obviousness. The Examiner must provide objective evidence supporting modification of Wen-Te in the claimed manner. Claim 28, therefore, is not rendered obvious from Wen-Te. Each of claims 29-31 and 44 depends from claim 28 and, therefore, is not obvious from Wen-Te for the same reasons as claim 28.

Claim 38 recites a face member for use with a receptacle including a body defining at least one opening for receipt of a blade of a compatible plug. Claim 38 also recites a receptacle formation presented by the body forming a mating formation pair with a corresponding plug formation presented by the compatible plug. The receptacle formation is dimensioned to contact a non-compatible plug to prevent a blade of the non-compatible plug from contacting an electrical contact of the receptacle.

Again, for similar reasons discussed above for claim 1, the rejection of claim 38 as obvious from Wen-Te is improper for failure to establish a *prima facie* case of obviousness. Objective evidence supporting modification of Wen-Te in the claimed manner is required. Claim

38, therefore, is not rendered obvious from Wen-Te. Claim 46 depends from claim 38 and, therefore, is not obvious from Wen-Te for the same reasons as claim 38.

Claim 39 recites a lighting system comprising a receptacle and a plug respectively defining a receptacle formation and a corresponding plug formation of a mating formation pair. The receptacle formation is dimensioned to contact a general-use plug to prevent a blade of the general-use plug from contacting an electrical contact of the receptacle. Claim 39 further recites that the plug formation is visible when the plug and receptacle are fully engaged with each other.

For similar reasons as for claim 1, discussed above, the rejection of claim 39 as obvious from Wen-Te is improper for failure to establish a *prima facie* case of obviousness. Objective evidence supporting modification of Wen-Te in the claimed manner is required. Claim 39, therefore, is not rendered obvious from Wen-Te. Each of claims 40 and 47 depends from claim 39 and, therefore, is not obvious from Wen-Te for the same reasons as claim 39.

Claim 44 depends from claim 23 which recites a receptacle unit including a first receptacle complying with a general-use industry standard configuration and a second receptacle. Claim 23 also recites a mating formation pair including a receptacle formation and a corresponding plug formation respectively carried by the second receptacle and a compatible plug. The receptacle formation is dimensioned to contact a general-use plug to prevent an electrical contact of the general-use plug from contacting an electrical contact of the second receptacle.

Again, for similar reasons as claim 1, the rejection of claim 44 is improper for failure to establish a *prima facie* case of obviousness. Objective evidence supporting modification of Wen-Te in the claimed manner is required. Claim 44, therefore, is not rendered obvious from Wen-Te.

For the foregoing reasons, the applicants respectfully request that the rejection of claims 1-12, 28-31, 38-44, and 46-47 under 35 U.S.C. 103(a) based on Wen-Te be withdrawn.

Claims 23-27, 36-37, and 45 are rejected under 35 U.S.C. 103(a) as obvious based on U.S. Patent No. 4,293,733 (Royer) and Wen-Te.

Claim 23 recites a receptacle unit including a first receptacle complying with a general-use industry standard configuration and a second receptacle. Claim 23 also recites a

mating formation pair including a receptacle formation and a corresponding plug formation respectively carried by the second receptacle and a compatible plug. The receptacle formation of claim 23 is dimensioned to contact a general-use plug to prevent an electrical contact of the general-use plug from contacting an electrical contact of the second receptacle.

Royer discloses an electrical outlet having tunnel-shaped members (50A, 50B) to prevent a child from “plac(ing) his fingers on partially inserted prongs.” (Col. 5, lines 23-25).

The Examiner acknowledges at page 6 of the office action that Royer does not disclose a mating formation pair including a receptacle formation and a plug formation as claimed to prevent an electrical contact of a general-use plug from contacting an electrical contact of a receptacle as claimed. The Examiner asserts, however, that it would have been obvious to modify Royer to include the pin (30) and hole (31) of Wen-Te. The Examiner further asserts that it would have been obvious to one skilled in the art to modify Wen-Te “to have the receptacle formation with a length [that] is long[] enough to prevent[] the general-sue [sic] plug from establishing an electrical connection with the receptacle, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.” (Page 6 of office action citing *In re Aller*, 105 USPQ 233).

Again, *In re Aller* does not apply to the present rejection in which the Examiner proposes a change in length to the pin (30) of Wen-Te. For similar reasons as for the rejection of claim 1 above, the Examiner’s attempt to characterize the proposed change to the length of the Wen-Te pin (30) as an obvious discovery of an “optimum or workable range” is improper. As discussed above, there is no objective evidence showing suggestion or motivation in the prior art to modify Wen-Te as proposed by the Examiner. Wen-Te teaches away from prevention of electrical connection by, instead, teaching that the pin (30) of socket (20) is part of a **retaining means** that functions “to **prevent [a] plug from being removed accidentally**” from a socket. (Col. 2, lines 19-22, emphasis added). The necessary teaching of the claimed invention, lacking in the prior art, is only impermissibly provided by hindsight use of the applicants’ disclosure.

The rejection of claim 23 based on Royer and Wen-Te is improper for failure to establish a *prima facie* case of obviousness. Objective evidence that it would have been obvious

to modify Wen-Te in the claimed manner is required. Claim 23, therefore, is not obvious based on Royer and Wen-Te. Each of claims 24-27 depends from claim 23 and, therefore, is not obvious based on Royer and Wen-Te for the same reasons as claim 23.

Claim 36 recites an electrical distribution system comprising at least one general-use receptacle and at least one other receptacle. The general-use receptacle complies with an industry standard configuration and is arranged to receive a corresponding general-use plug. The system also includes a mating formation pair including a receptacle formation and a plug formation respectively carried by the at least one other receptacle and a compatible plug. The receptacle formation is dimensioned to contact a general-use plug to prevent a blade of the general-use plug from contacting an electrical contact of the at least one other receptacle.

Again, for similar reasons as claim 23, the rejection of claim 36 is improper for failure to establish a *prima facie* case of obviousness. Objective evidence supporting modification of Wen-Te in the claimed manner is required. Claim 36, therefore, is not rendered obvious from Wen-Te. Each of claims 37 and 45 depends from claim 36 and, therefore, is not obvious based on Royer and Wen-Te for the same reasons as claim 36.

For the foregoing reasons, the applicants request that the rejection of claims 23-27, 36-37, and 45 based on Royer and Wen-Te be withdrawn.

It is submitted that the application is now in condition for allowance. If the Examiner believes that direct communication would advance prosecution, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

JASON O. ADAMS, *et al.*

BY: 

GREGORY J. LAVORGNA  
Registration No. 30,469  
Drinker Biddle & Reath LLP  
One Logan Square  
18<sup>th</sup> and Cherry Streets  
Philadelphia, PA 19103-6996  
Tel: 215-988-3309  
Fax: 215-988-2757  
Attorney for Applicants